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jc688 U.S. PTO

04-17-99

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PATENT

Docket No. 2710-4007US

Express Mail Label No. EL 513 413 450 US

jc658 U.S. PTO
09/549937
04/14/00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

UTILITY APPLICATION AND APPLICATION FEE TRANSMITTAL
(37 C.F.R §1.53(b))

ASSISTANT COMMISSIONER FOR PATENTS

Box Patent Application
Washington, D.C. 20231

Sir:

Transmitted herewith for filing is the patent application of

Named Inventor(s) and
Address(es):

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5551 Center Avenue, Apartment 708, Pittsburgh, PA 15232 USA

For:

**SOFT TISSUE AND BONE AUGMENTATION AND BULKING UTILIZING
MUSCLE-DERIVED PROGENITOR CELLS, COMPOSITIONS AND
TREATMENTS THEREOF**

Enclosed are:

[X] 51 pages of Specification, 1 page of Abstract, 11 pages of Claims; (63 Total
Pages of Application)

[X] 16 sheets of Drawings [] formal [X] informal

[X] 4 pages of Combined Declaration and Power of Attorney

[X] Unsigned

[] Newly Executed

[] Executed Copy from prior application

[] Deletion of inventors including Signed Statement under 37 C.F.R. § 1.63(d)(2)

[X] Incorporation by Reference: The entire disclosure of the prior application, U.S. Serial No. 09/302,896,
filed April 30, 1999 is considered to be part of the disclosure of the accompanying application and is
hereby incorporated herein by reference.

[] Microfiche Computer Program (Appendix)

EL 513 413 450 US

- ☒ 4 pages of Sequence Listing
- ☒ Computer readable disk containing Sequence Listing
- ☒ Statement under 37 C.F.R. § 1.821(f) that computer and paper copies of the Sequence Listing are the same
- ☒ Claim for Priority
- ☐ Certified copy of Priority Document(s)
- ☐ English translation documents
- ☐ Information Disclosure Statement
- ☐ Copy of _____ cited references
- ☐ Copy of PTO-1449 filed in parent application serial No. _____.
- ☐ Preliminary Amendment
- ☒ Return receipt postcard (MPEP 503)
- ☐ Assignment Papers (assignment cover sheet and assignment documents)
- ☐ A check in the amount of \$40.00 for recording the Assignment.
- ☐ Assignment papers filed in parent application Serial No. _____.
- ☐ Certification of chain of title pursuant to 37 C.F.R. § 3.73(b).
- ☒ This is a ☐ continuation ☐ divisional ☒ continuation-in-part (C-I-P) of prior application U.S. Serial No. 09/302,896, filed April 30, 1999
- ☐ Cancel in this application original claims ___ of the parent application. (At least one original independent claim must be retained for filing purposes.)
- ☐ A Preliminary Amendment is enclosed. (Claims added by this Amendment have been properly numbered consecutively beginning with the number following the highest numbered original claim in the prior application.) The filing fee is based on the number of claims as presented in the Preliminary Amendment.
- ☒ The status of the parent application is as follows:
- ☐ A Petition For Extension of Time and a Fee therefor has been or is being filed in the parent application to extend the term for action in the parent application until _____.
- ☐ A copy of the Petition for Extension of Time in the co-pending parent application is attached.
- ☒ No Petition For Extension of Time and Fee therefor are necessary in the co-pending parent application.
- ☐ Please abandon the parent application at a time while the parent application is pending or at a time when the petition for extension of time in that application is granted and while this application is pending has been granted a filing date, so as to make this application co-pending.
- ☐ Transfer the drawing(s) from the patent application to this application.

- ☐ Amend the specification of the instant divisional application by inserting before the first line the sentence:
This is a ☐ continuation ☐ divisional ☐ continuation-in-part of co-pending application U.S. Serial No., filed _____.

I. CALCULATION OF APPLICATION FEE (For Other Than Small Entity)

	Number Filed		Number Extra	Rate	Basic Fee
Total Claims	100	-20=	80	x\$18.00	\$1440.00
Independent Claims	3	- 3=	0	x\$78.00	\$0.00
Multiple Dependent Claims	<input checked="" type="checkbox"/> yes Additional Fee = \$260.00 <input type="checkbox"/> no Add'l Fee = NONE				\$260.00

Total: \$ 2390.00

- ☒ A statement claiming small entity status is attached or has been filed in the above-identified parent application and its benefit under 37 C.F.R. § 1.28(a) is hereby claimed. Reduced fees under 37 C.F.R. § 1.9(F) (50% of total) paid herewith \$1195.00.
- ☐ A check in the amount of \$ _____ in payment of the application filing fees is attached.
- ☒ Charge Fee(s) to Deposit Account No. 13-4500. Order No. 2710-4007US2. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.
- ☒ The Assistant Commissioner is hereby authorized to charge any additional fees which may be required for filing this application, or credit any overpayment to Deposit Account No. 13-4500, Order No. 2710-4007 US2. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Dated: April 14, 2000

By:



Leslie A. Serunian

Registration No. 35,353

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Michael B. CHANCELLOR et al.
Serial No. : To Be Assigned Group Art Unit: To Be Assigned
Filed : April 14, 2000 (Herewith) Examiner: To Be Assigned
For : **SOFT TISSUE AND BONE AUGMENTATION AND BULKING UTILIZING
MUSCLE-DERIVED PROGENITOR CELLS, COMPOSITIONS, AND
TREATMENTS THEREOF**

EXPRESS MAIL CERTIFICATE

Express Mail Label No.: EL 513 413 450 US

Date of Deposit: April 14, 2000

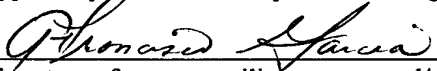
I hereby certify that the following attached paper(s) and/or fee

1. Utility Application and Application Fee Transmittal (§ 1.53(b)); (3 Pages (In Duplicate));
2. Specification (51 Pages); Abstract (1 Page); Claims (11 Pages) (63 pages total Application) ;
3. Informal Drawings (Figures 1-16); (16 Pages);
4. Combined Declaration and Power of Attorney (4 Pages);
5. Computer Readable Disk containing Sequence Listing
6. 4 Pages of Sequence Listing;
7. Statement under 37 C.F.R. § 1.821(f) that Computer and Paper Copies of the Sequence Listing are the same;
8. Return Receipt Postcard;

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to: **BOX: PATENT APPLICATION,** Assistant Commissioner for Patents, Washington, D.C. 20231.

Francisco Garcia

(Typed or printed name of person mailing papers and/or fee)


(Signature of person mailing papers and/or fee)

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